THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 1895 of 2005

Dated 05.10.2005

Between:

1. Gangavaram Primary Agrl.,Coop.Society, Gangavaram, Inkollu Mandal, Prakasam Dist., being rep.by its Auth. Agent
Davuluri Koteswara Rao, S/o.Brahmaiah, Ex-President of Gangavaram, P.A.C.S. and others

..... APPELLANT(S)

AND

1 The District Collector (Cooperation) Ongole, Prakasam Dist.and others

.....RESPONDENT(S)

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO.1895 OF 2005

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ORAL ORDER: (Per Sri BRSR.J)

We have heard the learned counsel for the appellant and the learned Government Pleader for Cooperation, appearing on behalf of the respondents.

The writ appeal is directed against the interlocutory order dated 1.9.2005 passed by the learned single Judge dismissing the interlocutory petition even after admitting the writ petition. The question that arises for our consideration in the writ petition is whether the Gangavaram PACS, Gangavaram has been properly identified as a

non-viable society for its amalgamation with another viable society in accordance with Section 15-A of the A.P. Cooperative Societies Act, 1964 (for short 'the Act').

It is specifically asserted in the writ petition that even according to the norms prescribed by the Government vide G.O.Ms.No.176 dated 14.6.2005, the society is a viable society and therefore no action could have been initiated under Section 15-A of the Act. This aspect requires a serious and critical examination for which purposes a counter affidavit by the respondents and production of records is must.

It is asserted by the learned counsel for the appellants Sri C.Ramachandra Raju that though the impugned order dated 25.7.2005 speaks about the amalgamation of the appellant society and a new society coming into existence, the records are not being handed over and the appellant society continues to be in existence. The learned Government Pleader for Cooperation contended that immediately after the orders passed by the competent authority under Section 15-A of the Act, a new viable society has come into existence and the petitioner society got merged itself into the same.

Since the records are not available, it is not possible for this Court to express any opinion as to whether there has been any actual amalgamation as such. In the circumstances, the respondents are directed to maintain *status quo* existing as on today in all respects so far as the amalgamation is concerned.

Learned Government Pleader for Cooperation undertakes to file a counter affidavit and produce records within two weeks.

Registry is directed to post the writ petition itself for final hearing on the top of the list on 19.10.2005.

The writ appeal is accordingly disposed of. No costs.

(B.SUDERSHAN REDDY,J)

Dated 05.10.2005

(S.ANANDA REDDY,J)

Note: Furnish operative portion

by wire at party's cost.

(B/o)

msv.